

107TH CONGRESS  
2D SESSION

# S. RES. 323

To authorize testimony and representation in Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases.

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2002

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution;  
which was considered and agreed to

---

## RESOLUTION

To authorize testimony and representation in Senator Mitch McConnell, et al. v. Federal Election Commission, et al., and consolidated cases.

Whereas, in the case of Senator Mitch McConnell, et al. v. Federal Election Commission, et al., No. 02–CV–582, and consolidated cases, pending in the United States Court for the District of Columbia, notices for the taking of depositions have been served on Senator Mitch McConnell, who is a plaintiff, and Senators Olympia Snowe, James Jeffords, John McCain, and Russell Feingold, who are intervenor-defendants;

Whereas, pursuant to sections 703(c) and 706(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c) and 288e(a), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal pro-

ceeding in which the powers and responsibilities of Congress under the Constitution are placed in issue;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, by rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore be it

1       *Resolved*, That, in the case of Senator Mitch McCon-  
 2   nell, et al. v. Federal Election Commission, et al., and con-  
 3   solidated cases, Senators Mitch McConnell, Olympia  
 4   Snowe, James Jeffords, John McCain, and Russell Fein-  
 5   gold, and any other Senator who agrees to participate in  
 6   this litigation, are authorized to testify, except concerning  
 7   matters for which a privilege should be asserted and when  
 8   their attendance at the Senate is necessary for the per-  
 9   formance of their legislative duties.

10       SEC. 2. That the Senate Legal Counsel is authorized  
 11   to appear as amicus curiae in the name of the Senate in  
 12   the case of Senator Mitch McConnell, et al. v. Federal

- 1 Election Commission, et al., and consolidated cases, to
- 2 represent the interests of the Senate in connection with
- 3 discovery sought from Senators in these cases.

○